

Comments on “County Road 595”

Submitted by Catherine Parker on March 2, 2012

PROJECT PURPOSE/ALTERNATIVES

The project purpose is the basis for and the starting point of the evaluation of the County Road 595 proposal.

It is my contention that the stated purpose for this project, and its predecessor, the Woodland Road, were and are based on false premises. Let's examine how the 595 process began, how it has been perpetuated, and who really needs this road.

Kennecott's February 2006 EIA for the Eagle Mine permit application includes preliminary consideration of a “south transportation route,” to a railhead in the vicinity of Highway 41. Such a route would fall within the current Woodland Road/CR 595 corridor.

In February 2008, Kennecott announced they were assessing the possibility of using the Humboldt Mill for refining rock from their proposed Eagle mine, and that they were continuing to explore an alternative southern route from the Eagle Project. On May 14, Kennecott participated in a pre-application meeting with DEQ representatives regarding construction of a new north-south road between the mine site and the mill. The mill was purchased by Kennecott in September of that year.

The mining company submitted an application in October for a roadway easement over State land, asking for an expedited review. DNR's George Madison recommended, first, that use of DNR lands for a private road be avoided, then four days later (November 25) stated, “Fisheries Division recommends that a decision be deferred until after Rio Tinto seeks and receives an amendment to the Part 632 permit for the south route concept.”

DNR noted that an amendment to Part 632 would likely be needed, attributing the information to DEQ's Joe Maki, and “would allow for a more thorough evaluation of alternatives, environmental effects, and public input.” Rio Tinto has not filed a request for an amendment.

In April of 2009 the DNR Wildlife Division cited a long list of concerns regarding the south haul route, including habitat fragmentation, an increase in secondary roads, negative impacts on birds and other wildlife, disruption of groundwater flow, and an increase in hunting and trapping pressures. It was also noted that the area proposed for new road development had the lowest road density in the region, and that there had been no public hearing on this matter.

Their final recommendation was that Kennecott be required to adhere to their original transportation route, as defined by the WLD comments and recommendation dated May 8th 2006:

Wildlife Division is concerned about the offsite ore transportation route. We support using existing infrastructure. The proposed route of the AAA Road, to Co. Rd. 510, to Co. Rd. 550 is preferred. We feel this proposed route will have the least impact on wildlife values in northern Marquette County. We do not support development of new “improved” roads to support the project.

In spite of their objections, the south haul route application, under the name of Woodland Road, was submitted on October 7, 2009, by a consortium including Kennecott Eagle Minerals, A. Lindberg & Sons (aggregate), John Jilbert (a local developer), and the Michigan Forest Products Council.

Under Part 303 Wetlands Protection of the NREPA, the applicant’s definition of the project purpose must focus on the primary purpose of the road.

The defined project purpose for the Woodland Road was: **To construct a multi-purpose road to connect key industrial, commercial, and recreational areas in northwest Marquette County to US-41.** The proposed road was said to be a “necessity for the region.”

In a March, 2010 letter from the USACE, the stated project purpose was called into doubt:

Portions of the Supporting Documentation indicate that the main purpose of the proposed road is to haul ore from the proposed Kennecott Eagle Minerals Company (Kennecott) mine at Eagle Rock. Ore transport trucks will make an average of 50-75 round trips per day (or 12,000-18,000 per year) on whichever road alternative is chosen, compared to approximately 1700 trips per year by logging trucks. The preferred alternative also appears to be the most direct route from the proposed mine to the proposed processing site at Humboldt, Michigan...In our view, a more accurate project purpose would be “to deliver ore from the proposed Kennecott mine at Eagle Rock for processing.”

Woodland Road, LLC withdrew their application temporarily in May, 2010, after it was soundly criticized by the DEQ, EPA, Fish & Wildlife Service, and the Army Corps, but continued to work behind the scenes with Marquette County to get the road approved.

In a July, 2010 letter to Jon Cherry, Kennecott’s then general manager, Road Commission engineer-manager Jim Iwanicki says he has already had “several meetings with people from your company to discuss what the process is for the Road Commission

to take on a road as a public road.” And on September 2, Rio Tinto’s John Meier wrote Iwanicki that he’d like to talk with him about “your meeting with Mqt County Board members and MDNRE. Also Rick Thomas will be in town next week and we would like to meet with you on Thursday, Sept. 9...”

The Marquette County Road Commission adopted a resolution on October 7, 2010, to move forward with a “new” permit application for a road within the same corridor as the Woodland Road, for a “new public road” to be called CR 595. Same road, new name, with the Marquette County Road Commission acting as Kennecott’s agent.

On January 17, 2011, Kennecott announced that they were no longer interested in pursuing construction of CR 595 and that they would be investing in substantial improvements to the existing truck route, in order to gather support for their haul road by generating opposition to “trucking through the city.”

“While we believe the proposed CR 595 was a better solution, we are prepared to use existing truck routes CR 510/550 as specified in permit conditions approved for the Eagle Mine,” said KEMC Acting Project Director Andrew Ware.

Less than a month later, on February 11, Rio Tinto reversed its decision and offered to fund the preparation of the permit, saying it would be spending a total of between \$3 million and \$4 million for the engineering, environmental assessment and alternatives analysis and review for County Road 595.

On March 31, they said they could not commit to pay for the construction of CR 595.

Subsequently, the Road Commission met with DEQ Director Dan Wyant (May 12), who then met with the Governor on June 22. (It should be noted that Governor Snyder’s Chief of Staff is Dennis Muchmore, husband to Kennecott’s PR consultant and spokesperson Deborah Muchmore, and that Bill Rustem, Snyder’s Strategy Chief, is a former Kennecott lobbyist.)

On August 9, Rio Tinto wrote to the Road Commission, stating that they wished to amend the agreement by committing to fund the construction of CR 595 if the permit application were approved “within a reasonable timeframe.” The letter also stated that Rio Tinto would reconsider if construction had not commenced prior to May 2013.

The application for the proposed County Road 595, submitted on August 15, 2011, follows closely the formerly proposed Woodland Road—a nearly direct north-south route from the Eagle mine site the Humboldt Mill.

Its stated purpose is: ***To construct a primary county northsouth road that (1) connects and improves emergency, commercial and recreational access to a somewhat isolated but key industrial, commercial and recreational area in northwest Marquette County to US-41, and (2) reduces truck travel from this area through the County’s population centers.***

Let's look at the project purpose, again, for the Woodland Road: ***To construct a multi-purpose road to connect key industrial, commercial, and recreational areas in northwest Marquette County to US-41.***

There is one addition, in the 595 purpose: to **reduce truck traffic through population centers**. If this, indeed, is so crucial, why was it not given serious consideration before Kennecott's arrival?

According to statute, the DEQ must determine if the project purpose has been "appropriately and adequately defined by the applicant, and shall process the application based on that determination." The agencies reviewing the application do not have to accept the applicant's conclusion regarding project purpose.

Federal regulators called this the first time, saying that the purpose of the Woodland Road had not been adequately defined. It was a haul road for Kennecott. **This** is a haul road for Kennecott, and will primarily be used for **their** purposes.

Alternatives have not been given adequate consideration.

First consideration should be given to updating Kennecott's permitted haul route, Triple A-510-550, (and other local roads and bridges in northern Marquette County). This is Kennecott's legally permitted haul route and the least damaging alternative.

Several bridges on this route are already slated for replacement, and much work has been done on the Triple A Road, with the character of the area being drastically altered as a result. Clearing of the right of way has resulted in loss of canopy, removal of roadside vegetation including blueberry bushes, and die-back of forest due to damaged root systems. It does not make sense to do this kind of damage, and much worse, in an even more remote area of the County when existing roads can be used instead.

Construction of 595 is supposed to reduce truck traffic on CR 550, but the permit application is misleading in suggesting that it would eliminate the issue. Kennecott employees and contractors will still use the 550 route when they are traveling to and from the east side of the County. And not all loggers will travel west.

US Army Corp of Engineers (USACE) comments on the Woodland Road are relevant here, as well:

The Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material in CFR 40 Part 230 requires that the applicant overcome the presumption that a practicable, less environmentally damaging alternative site, outside special aquatic sites, exists. The project as proposed does not appear to accomplish this. Utilizing existing routes would limit additional aquatic impacts to areas which are already impacted

by road crossings. Establishing appropriate speed limits, installing additional traffic lights, adding turn lanes, or widening intersections are some of the possible improvements to current county and local 4-season roads which would reduce safety concerns and provide an alternative for hauling ore, while continuing to provide existing access to US-41 for ongoing logging operations...

Objections by the public to upgrading public roads to accommodate ore truck traffic may be considered, but do not in themselves result in the removal of an alternative from consideration. After interstate and state highways, county roads are primary transportation routes and are used to transport commercial traffic. Current logging operations (which, according to the Supporting Documentation, are not expected to increase) already use these routes. The argument that it is beneficial to locate truck traffic so as to bypass major transportation corridors lacks support.

The 595 application falsely implies that existing roads cannot be improved for year-round access:

In regard to the Eagle Development Project, the only alternatives for mine access and a haulroute for ore to be transported to Humboldt Mill are CR 550 through Marquette and CR 510 to US-41 in Negaunee Township. Use of either or both of these routes by KEMC would require many more truck trips, as these routes are not entirely all-season roads and lighter loads would be required during the spring breakup period, which usually lasts about two months.

The timber industry likewise will have no option but to continue to utilize existing routes, many of which are unimproved roads. The opportunity for the timber industry to benefit from the more efficient and reliable all-season access provided by CR 595 would not be realized if existing routes must be used.

But Kennecott's original intention, as stated in their 2006 Environmental Impact Assessment for the Eagle Mine, was to improve existing roads, creating year-round access:

KEMC proposes to make improvements to portions of the trucking route, including the nine miles of Triple A Road to CR 510 and the three miles of CR 510 to CR 550. The road improvements will generally include providing a more stable road base and widening the Triple A Road from the project site to CR 510. Details of these improvements will be worked out between KEMC and the MCRC.

The goal of these improvements will be to provide an all-weather route from the Eagle Project site to the railhead and improve local

roads for travel. It is anticipated that these mitigation measures will provide adequate transportation facilities for the project and will improve the transportation linkages from their existing condition.

In their January 17, 2011 press release, Rio Tinto said they were “committed to working with residents and to paying for necessary upgrades and significant safety and structural improvements to the Triple A, County Roads 510 and 550, Wright Street, and other transportation infrastructure.” Kennecott has already made “improvements” to CR 510 and the Triple A and could upgrade them to all-season roads if desired.

The project purpose should be rejected because it so narrow as to exclude existing roads.

In addition to repairing existing roads and bridges, a bypass north of the city of Marquette should be given serious consideration.

This would serve the purpose of reducing truck traffic in population centers. I understand there is some challenging terrain, but that is the case with the 595 route, and even more so. Why was that option taken off the table?

The Marquette Township’s Master Road Plan from 2007 identifies five areas in need of the most immediate attention, including a bypass north of the city of Marquette. In 2006 the Township Planning Commission began a study of potential future road connections that may be needed for traffic routes providing an alternative to the US41 corridor, predating the Woodland Road and County Road 595 discussions.

The study resulted in the adoption of a Road Facilities Plan that was adopted in early 2008. A potential bypass road, extending from the intersection of US41/Brickyard north to Forestville and eventually continuing north to County Road HK and terminating at County Road 550, was proposed as a route to segregate heavy commercial traffic, primarily forest product and aggregate haulers, from everyday non-commercial traffic along the US41 corridor within Marquette Charter Township. No design, engineering or cost estimation work was done.

The chronology parallels that of Kennecott’s South Haul Route/Woodland Road/CR 595, but it seems that the bypass alternative was not given adequate consideration, either.

Permit applicants may not bias permit application reviews by making substantial commitments in advance of permit decisions.

This is one of the basic tenets of the National Environmental Policy Act. But Kennecott has already done this, both in the Woodland Road application and in the current 595 proposal.

Rio Tinto admitted, in a January 2011 press release that Kennecott has invested more than \$8 million in the north-south road project. And in a February 12, 2011 public statement, Eagle Minerals acting project director Andrew Ware said that Kennecott had offered to fund the preparation of the permit and would be spending \$3-4 million for the engineering, environmental assessment and alternatives analysis, with about 80 percent of the work having already been completed.

Adam Burley, KEMC President, wrote to Jim Iwanicki on August 9, 2011, that he wished to "...amend the agreement by committing to fund the construction of CR 595 if the permit application is approved within a reasonable timeframe."

On September 28, the Road Commission said they had no written agreement with Rio Tinto to fund construction of CR 595. In an apparent attempt to avoid repeating previous NEPA violations, the MCRC has not formally accepted their offer. It is likely the agreement will be finalized once the permit application (and presumably, an amendment to their mine permit application) has been approved, suggesting that Rio Tinto and the RC are working together to circumvent the intentions of the law.

There are no identified funding sources for 595 construction, other than Rio Tinto. Kennecott/Rio Tinto has already spent in excess of \$8 million developing a north-south haul road, and is currently committed to paying for up to \$500,000 in permitting costs. Obviously, this is a public road intended primarily for the use of a private company.

The Road Commission has been working with DEQ officials to determine what would be the most permittable route, based on wetlands impacts and more significantly, "project purpose." They know, and the County Board knows, that Kennecott will not pay for this road if it does not follow their chosen route and serve **their** purpose.

"A permit applicant shall completely define the purpose for which the permit is sought, including all associated activities."

"An applicant shall not so narrowly define the purpose as to limit a complete analysis of whether an activity is primarily dependent upon being located in the wetland and of feasible and prudent alternatives."

The stated project purpose for CR 595, as with the Woodland Road, is disingenuous at best, deceptive at worst. As with the Woodland Road application, it does not even mention Kennecott, when its most basic purpose is to transport KEMC ore from the Eagle Mine to the Humboldt Mill.

It follows that, since the (true) applicant has previously identified existing transportation routes as sufficient for their project purpose, to transport ore from their planned Eagle Mine in the Yellow Dog Plains, they do not need this road. In addition, they should not be pursuing alternative routes before applying for and receiving a mining permit

amendment. Rio Tinto, the DNR and the DEQ have known this from the beginning, since at least 2006.

Page 2 of the permit application says that “nearly 2,000 loads of timber are hauled out of the woods from the northwest part of the county on an average annual basis” (Kennecott’s Transportation Plan, posted on their website, says 1,700). Page 32 of the application estimates in excess of 50 round trips per day of ore trucks, working out to 18,250 per year. Whose haul road is this, when at least 90% of the trucks will be coming from the Eagle Mine?

Why do DEQ notes from August 2011, taken from a conference call with Rio Tinto’s Kristen Mariuzza and Jeff King say that Mr. King wants to discuss who from Lansing will be invited to attend the pre-application meeting, to “prevent ‘monkey wrench’ problem”?

This road would be constructed primarily for the benefit of Kennecott Eagle Minerals Company.

The argument that a primary county road is needed west of the Silver Lake Basin lacks support.

The road application argues that the only feasible and prudent alternative is one that is west of the Silver Lake Basin. From page 15: “CR 595...will provide an important access upstream of the Dead River dam system in case of flooding that may cause bridges to be closed.”

The new 510 bridge was constructed high above the water, largely to address this issue. From a June 9, 2010 Mining Journal article:

The project involves more than simply replacing the old bridge, too, with a much larger structure being build about 300 yards upstream from the existing crossing. Not only is it a good distance away from the metal bridge, it is also about 100 feet above the water.

The old bridge, which was built in 1921, is only 10 feet above the water - a fact that was very evident during the Dead River flood of 2003, when there was concern that the dam holding back the river above County Road 510 would fail and wash the bridge away.

Constructing the bridge so far above the water was done in part to prevent destruction of the structure if the dam fails in the future, as well as for economic reasons, according to Jim Iwanicki, engineer-manager of the road commission.

It is also worthwhile noting that the old 510 bridge held up rather well during the flood, providing access to northern Marquette County for emergency vehicles. And in fact, it's still in place today, though currently unused.

Why was the Road Commission encouraged to include the Mining Journal articles regarding the 2003 dam failure, in the 595 application? Was it because that was the only way to rule out other routes that may be equally or more feasible?

It seems obvious that the "dam failure" argument has been used in the 595 application in order to eliminate all routes except for the one that Kennecott wants, which is the most direct route from the mine to the mill. Other feasible and prudent alternatives have been excluded on this basis, including the use of existing roads such as 550 and 510, and the DEQ's preferred Sleepy Hollow route.

Notes from a May 12, 2001 meeting between the DEQ and the Marquette County Road Commission, support this contention. At this time, Jim Iwanicki said that a route had not yet been chosen, and that "KMC suggests Woodland Rd." And in fact, the defined corridor for the proposed road straddles the Woodland Road route. "West of the Dead River dam system," it was noted, may have to be taken out of the project purpose (in order that the project purpose would not be considered to be too narrow.)

The occurrence of another dam failure in northern Marquette County is actually extremely unlikely. According to the Association of State Dam Safety Officials, there were 132 failures in a four year period in the United States, from Jan. 1, 2005 through Jan.1, 2009. There are approximately 80,000 dams in the U.S., and about 2500 in Michigan. Applying a similar failure rate would give us one failure per year, for the entire state.

It should not be argued that the events of 2003 are likely to repeat themselves. But if the permit applicant is worried about failure of the impoundment, perhaps they should be asking for a better impoundment, not a new road. Has FERC been consulted?

The overblown rhetoric in the 595 permit application deliberately creates a false impression that a new county road must be located west of the Silver Lake basin.

There is no long-standing, demonstrated need for a new road through this area.

The CR 595 permit application says, "The need for the proposed road has been known for many years by residents of Marquette County and public officials, well before the Eagle Development Project came about."

But information obtained through a FOIA request suggests otherwise. In a December 2, 2011 email from Jerry Fulcher at the DEQ to Jim Iwanicki, Fulcher asks, "Jim, at the meeting on Wednesday I thought I heard you mention that the county has long planned

on building a road west of the Silver Lake basin. Do you have any county master plan or road commission minutes that would show this?”

Iwanicki responds, on Dec. 6, “I said I do not have a long range plan from the county planning commission on a road west of Dead River Dam system...”

There is no written documentation showing that Marquette County had long-term plans to build a road west of the Silver Lake basin.

Existing roads provide adequate transportation routes for those employed by KEMC and the timber industry.

The 595 application says:

With the large number of people that will be employed by the Eagle Development Project, in addition to contractors, vendors, and governmental agency personnel that will provide services at the facility, an additional public road access is essential for public safety and emergency response. CR 595 would provide much more efficient access to this northern area of Marquette County; this second public road access will become a necessity in light of the number of people that will be employed in the mining and forest industry in northwestern Marquette County.

Kennecott stated in the EIA for their mine permit application that they were evaluating minimizing employee traffic to and from the mine site by use of a project bus system. They have, in fact, been using busses, and it only makes sense to continue this practice. Copper Range Company operated a bus line that brought workers to the White Pine Mine from as far away as Calumet, a distance of over 100 miles.

Contractors currently servicing the Eagle Mine site have stated they intend to continue using the 550-510-Triple A route. And, as the Army Corps pointed out in their analysis of the Woodland Road application, there is no projected increase in logging activity in this area.

“A permit for an activity listed in section 30304 shall not be approved unless the department determines ... that the permit is necessary to realize the benefits derived from the activity...”

Conclusion:

“An alternative may be considered feasible and prudent even if it does not accommodate components of a proposed activity that are incidental to or severable from the basic purpose of the proposed activity.”

Feasible and prudent alternatives **are** available for all of the proposed activities.

WETLANDS/ENVIRONMENT

The original Woodland Road application cited 27.1 acres of wetlands impacts, while County Rd 595 would impact 25.81 acres—a difference of less than 1.5 acres.

This is hardly an improvement over the original plan, which was rejected largely due to unacceptable adverse impacts on wetlands. Michigan’s wetland regulations state that a permit may be denied solely on the grounds that the proposed activity will result in an unacceptable disruption to aquatic resources.

Construction of County Road 595 would cause severe and widespread adverse impacts to the environment.

The proposed action will result in degradation and destruction of aquatic ecosystems, waters, and associated natural resources. Wetlands mitigation has a high rate of failure.

The U.S. Fish & Wildlife Service: “We are concerned that development of the proposed [Woodland] road would not only directly impact wetlands, but indirectly impact the remaining wetlands along the corridor by significantly altering wetland hydrology and causing habitat fragmentation. Alteration of hydrology and fragmentation could result in permanent habitat degradation of remaining on-site wetlands.”

Nearly three-quarters of the original wetland area in our state (estimated at over 11 million acres) has been destroyed.

Despite new laws and the efforts of government and private conservation groups, the destruction of wetlands continues. We should not needlessly sacrifice more of these precious resources.

There are economic benefits to preserving wetlands.

Wetlands provide critical habitat for plants and other wildlife, provide erosion control, filter pollutants, recharge aquifers and contribute to recreational opportunities such as hunting and fishing.

Our local officials don't seem to realize the importance of wetlands. Instead, they make disparaging remarks about frogs and say we don't need swamps. We should not rely on their judgment or opinion in this matter.

The applicant must demonstrate that there are “no feasible and prudent alternatives that have less impact on aquatic resources.”

The applicant has argued, falsely, that their selected route is the only one that is feasible and prudent. There are others available, and impacts could be minimal if the activities described in the permit application used existing roads.

The activity is not wetland dependent.

There are alternatives to the chosen route that would meet the purpose and need stated in the 595 application. Updating Kennecott's permitted haul route (Triple A-510-550) and continuing to use other existing roads would result in direct wetlands impacts of approximately one acre. And to quote USFW, “hydrologic modification and habitat fragmentation have already occurred in wetlands and streams associated with these routes.”

Potential impacts to wildlife are unacceptable.

Habitat fragmentation, dust, noise, increased secondary road construction, increased hunting and trapping, and disruption of the landscape's natural processes such as groundwater flow are some of the more serious concerns.

Greenhouse gases emitted during two years of heavy road construction have not been considered.

Rehabilitating existing roads would use much less oil and aggregate. Impacts of extraction, processing and delivery of materials should be taken into account as well.

DEQ must not grant a permit if the proposed project or structure will result in significant degradation and destruction of aquatic ecosystems, waters, and associated natural resources.

CR 595 would directly affect close to 26 acres of wetlands, involve 22 river and stream crossings, and indirectly affect many acres of land outside of the road's immediate footprint.

CUMULATIVE EFFECTS

Secondary impacts, such as additional road-building and private development have not been considered.

Marquette County's 2010 Zoning Plan says that construction of a north-south access road for Kennecott "will generate requests to rezone areas for year-round development" and will be an added burden on township services.

In April 2009, the DNR Wildlife Division commented on Kennecott's proposed South Haul Road, saying they had concerns about formation of secondary road networks and an increase in illegal ATV activities and wildlife-vehicle accidents.

Yet, the 595 permit application states that, "It is unlikely that there will be any substantial impacts to zoning classifications in the study area resulting from implementation of the proposed CR 595 route. The CR 595 project will not require changes in zoning classifications for implementation, and secondary land use changes will likely conform to existing master plans and zoning ordinances."

The 595 application does not address potential additional mining projects or expansion of the Eagle Project.

Nor does it consider likely impacts from increased extractive activity (mining and quarrying, for example). Instead, the application merely states that construction of CR 595 will not cause more mining or logging to take place.

There has been no cumulative impacts study involving mine, haul route and mill.

As the Army Corps stated in their analysis of the Woodland Road application, "If the road is required to connect the proposed nickel mine at Eagle Rock with the milling operation and tailings disposal facility at Humboldt, these actions should be evaluated under one project."

Kennecott should be required to prepare an EIS, provide financial assurance, and have contingency plans for this road. They have not applied for an amendment to their mining permit, preferring instead to go about their project piecemeal to avoid additional responsibilities under federal law.

RECREATION/TOURISM

The public does not want their recreational lands to be altered or encroached upon.

Comments during hearings on both the Woodland Road and CR 595 have made this clear. The public does not want a highway through their wilderness, their place of refuge. Let's confine the truck traffic to existing roads, not spread it out so there are no roadless areas left.

"People spoke about recreational value. I don't see it. I see it taking away recreational value... This is actually a highway, not a woods road."

"Explain to me how cutting a corridor right through that quiet wilderness enhances recreation. Explain to me how clearing 150 feet of every stream and creek between 41 and Triple A is going to enhance that experience."

The mine is temporary and the pollution risks there are real, but the habitat destruction and fragmentation to build the road to it and the road itself with all the dust and noise are certain and permanent destruction to the very recreational opportunities you claim to want to enhance."

The road will have a negative effect on tourism.

To many, this road signals permanent destruction of the very recreational opportunities road proponents claim they want to enhance. Tourists aren't coming to the U.P. to see the same thing they've left behind, namely, "development."

"The reason I came to Marquette County was because of the wild and beautiful country up here. How much can you destroy before Marquette County loses that distinction?"

"These quiet, pristine places offer refuge to people as well. This is the true heritage of the Upper Peninsula -- not making it busier. Roadless areas are a world apart from the bustling, settled landscapes of our daily lives; and they harbor some of the best fishing, hunting, hiking and camping in the nation."

SAFETY ISSUES

Traffic and trucks can travel safely on existing roads.

There is no pressing need to build a new county road through this wilderness corridor, to provide emergency access to northwest Marquette County. There are routes available that can be improved to address safety concerns and that would not destroy the last of our roadless areas.

Construction of a new highway in northwest Marquette County may actually increase the incidence of fires and other situations requiring emergency services, putting a strain on already stretched resources.

This is stated in the 595 application:

As noted by MDNR Forest Management Division, one negative impact of the proposed CR 595 will be that more people may be able to access northwest Marquette County for recreation, which may result in more forest fires, more search and rescue calls, and more EMS calls to this region of the county. MDNR forest fire budget and employee levels have steadily declined and fewer fire fighters are available to fight forest fires.

The 2010 Marquette County Comprehensive Plan, adopted by the Planning Commission and approved by the County Board, states that Kennecott's proposed haul road will generate requests for rezoning, will be an added burden on township services, and will ***increase the risk for and potential damage from wildfires***. It also says, "it would increase the difficulty in providing fire fighting and other emergency and routine services."

Logging incidents and accidents are infrequent and do not justify construction of a new road.

The 595 application says that, "...logging is the second-most dangerous occupation in the United States and truck driving is the ninth-most dangerous occupation (US Department of Labor 2010). Emergency services are frequently needed to respond to accidents in northwest Marquette County." However, no data is provided to back up this claim.

In a recent telephone conversation with Sergeant Chad Larsen, I was told that there were only six incidents in **all** of Marquette County during the past 10 years, where the State Police were called to the scene.

Wildlife-vehicle accidents will likely be higher with a new road through a remote area than they would be on existing roads.

Deer-vehicle accidents already account for the vast majority of crashes in Marquette County. This area also has some of the highest moose densities in the Upper Peninsula.

The 595 applicants suggest that it would be safer for heavy haul truck traffic to share the road with recreationists on 595 than it would be for them to do so on 550. CR 595 would cross some challenging terrain, with narrow and oftentimes steep shoulders—definitely not safe for heavy trucks and passenger vehicles in combination. The application actually states that, “The CR 595 route may result in a potential increase in crashes associated with deer, ORVs, snowmobiles, and pedestrians accessing existing trail networks and commercial forest lands for recreation.”

Additional resources will be needed to patrol an extra 20-plus miles of roadway.

It is entirely illogical to imply, as the applicant does, that using existing roads for haul trucks will put more of a strain on law enforcement agencies than would adding a new primary county road to the system.

Activities at the Eagle Mine site are not likely to result in large numbers of EMT calls.

The application for 595 suggests that the road will be needed for quick response to accidents at the Eagle Mine site. Yet Rio Tinto has made it clear that they are focused on running their operations safely.

According to the Bureau of Labor Statistics report for 2010, the annual incidence rate of nonfatal occupational injuries and illnesses, or Cases with Days Away from Work, was 1.0 per 100 full-time workers in the metal mining industry. Cliff’s Tilden mine had a 2011 figure of 0.82 and the Empire Mine, only 0.13. When pressed for similar information, Kennecott provided a chart showing zero incidents for less than a handful of employees at the site. Contracted workers were not accounted for.

ECONOMICS

The Marquette County Road Commission has fewer and fewer funds to pay for road repairs, plowing and other maintenance.

During the June 30, 2010 Road Funding Forum for Marquette County, we were told that our local road commission is in dire financial straits. As Iwanicki himself said, “Road funding is at a breaking point.”

Marquette County needs at least \$160 million for repairs on existing roads and an additional \$40 million for bridges. Why add another road to the system, and why pay to maintain a road that would primarily be used by one company?

Kennecott projected that the original Woodland Road would create 12 on-going maintenance jobs. CR 595 would be maintained by the County, which has seen a decline in full-time employees from a high of 106 in 2001 to a current figure of only 49. Where are we going to get the personnel necessary to take care of an additional road?

Construction of CR 595 would create an added economic burden.

The Road Commission, with its already limited budget, would be responsible for maintaining it in perpetuity, and would have to maintain the CR 510 & 550 “trucking routes” as well. Even if 595 is constructed, 510 and 550 will continue to see increased truck traffic due to activity at the Eagle Mine site. Contractors, vendors and employees will still have to travel north from the city of Marquette.

Renovation of existing infrastructure would create jobs and would benefit a greater percentage of the population than would construction of a new, wilderness road.

The cost to construct CR 595 is 3-4 times as much as to upgrade County Rd 550—which could mean funds left over to implement much-needed repairs to other roads and bridges in Marquette County.

The Michigan Chamber of Commerce and Governor Snyder state that improvements to infrastructure would be an investment in our economy. If County Road 595 is not permitted, Kennecott will have to revert to its original hauling plan with its promised upgrades to existing infrastructure.

Public road funds should not be spent primarily for the benefit of a single private interest.

Rio Tinto promised to pay for construction of CR 595 if the permit is approved within their timeframe. Why are grant monies being sought?

A Category A grant, \$1.9 million of public money, will almost certainly be approved for a road going into the Humboldt Mill, Kennecott’s processing

facility. A section of road from the Triple A to CR 595 is eligible for Category A grants as well. Adam Burley, president of KEMC, hints that CR 595 may also be eligible for MDOT's Category A program.

The general public does not know these things. Would they be willing to pay for roads for Rio Tinto, if they did know?

Promises of jobs and other benefits to a community are not valid reasons to pursue a road project that will be as destructive as this one.

Mining, forestry, fishing, and agriculture **combined** accounted for approximately 5% of the (16 and older) employed population, according to data provided by the 595 application. This is not a project that would be of benefit to the majority of the population of Marquette County.

PUBLIC SUPPORT/OPPOSITION

Those who oppose 595 are not necessarily in favor of the 510/550 option, and vice versa.

A petition was presented to the County Board on April 11, 2006, under the title "The 550 & 510 Coalition Regarding Kennecott Eagle Minerals' Proposed use of Marquette County Roads for Mining Transportation Purposes." The petitioners expressed extreme concern about the impacts of the proposed mining activities, ore-hauling in particular, on their community, their natural resources, tourism, human health and safety and their quality of life.

Powell Township is in a tight spot. Forced to choose between two undesirable options, they recently issued a resolution stating that they would support 595 only if equal consideration is given to the safety and maintenance of all roads in the Triple A, 510 and 550 corridor.

There is no widespread support from the public for this road.

In fact, there has been ongoing concern about the impacts a new, major road would have on the health and the character of our larger community.

The public was not asked to vote on this issue. Public hearings were conducted, but the voices of the opposition were given little weight. There was little hope that they would alter the outcome, no matter how many were present and no matter how well their arguments were presented. It was a foregone conclusion that the Road Commission would do what it was told to do.

The 595 application says, “The decision to utilize the CR 550 route, a portion of which travels through the cities of Marquette, Negaunee, and Ishpeming, caused substantial concern among local governmental units and the general public.”

Kennecott’s sudden change of plans was a ploy to get the County to build their road for them—and it worked!

Either we get a haul route through our cities, or we get a destructive road through the wilderness. Rio Tinto is not giving us any other choice.

Opposition does not come solely from mine opponents.

The majority of comments are concerned with improper procedure, a lack of transparency, and impacts to the forests, streams, and wildlife in the corridor this road would bisect. They have been largely ignored, as have been the voices of those who value northwest Marquette County for its remoteness and quietude.

CONCLUSION

The public does not need this road. It would cause unacceptable degradation and destruction. Alternative routes do exist. And if it weren’t for the mine, there would be no road.

Respectfully submitted,

Catherine Parker
Spokesperson for WAVE

Ex. 6 - Privacy

Marquette, MI 49855